No. ~~113.111~~

GIVEN BY

Hon. Josiah P. Quincy.

Amico suo

Praestantissimo Praeclarissimo

Plus quam Semi-saeculari

Almae Matris Harvardianae

Praesidi

Josiae Quincy

Sanguine, consobrino

Libertatis, omniumque bonarum artium cultura,

Fratri

Haec Opuscula

Dat, Dicat, Dedicat gratissimo

Johannes Quincy Adams.

Bostoniae Septimo die ante Kalendas Decembres
1842

1. Oration at Quincy 4. July 1831.
2. Eulogy on James Monroe 25. August 1831.
3. Oration on La Fayette 31. Dec^r 1834.
4. Eulogy on James Madison 27. Sept^r 1836
5. Oration at Newburyport 4. July 1837
6. Speech on the right of Petition and Texas July 1838
7. Jubilee of the Constitution 30. April 1839.
8. Substance of a Speech on the collection impost. 9. May 1840.
9. Speech on Navy pension fund 28. Dec^r 1840.
10. Argument in the case of the Amistad captives 1. March 1841.
11. Speech in the case of Alexander M'Leod 4. Sept^r 1841.
12. Report on the second Tariff acts.
13. Address to the ~~Voters~~ Citizens of the 12^th Congressional District 17. Sept^r 1842
14. Address to the Norfolk County Temperance Society 29. Sept^r 1842

AN

ORATION

ADDRESSED TO THE

CITIZENS OF THE TOWN OF QUINCY,

ON THE

FOURTH OF JULY, 1831,

THE

FIFTY-FIFTH ANNIVERSARY

OF THE

INDEPENDENCE

OF THE

UNITED STATES OF AMERICA.

BY JOHN QUINCY ADAMS.

BOSTON:
RICHARDSON, LORD AND HOLBROOK.

1831.

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Hon. Josiah F. Quincy.
Nov. 14. 1831.

Entered according to Act of Congress, in the year 1831,
By Thomas Phipps, Noah Curtis and William Seaver,
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CITY OF BOSTON

Quincy, July 6, 1831.

Hon. John Q. Adams.

Sir,—Agreeably to a vote passed on the 4th inst. at the Town Hall, by those who listened to your learned and eloquent address, and in behalf of the Committee of Arrangements, chosen by the citizens of Quincy, we present to you our united thanks therefor, and respectfully request a copy for the press.

Th. Phipps,
Noah Curtis,
William Seaver,
} *Sub-committee.*

Messrs. Thomas Phipps,
Noah Curtis, and
William Seaver.
}

Quincy, 13th July, 1831.

Gentlemen,

A copy of the address, prepared at the request of the citizens, inhabitants of Quincy, on the occasion of their recent celebration of our national anniversary, is, in compliance with your request, submitted to your disposal. It may be proper to apprize you, that, to avoid too great prolixity, some passages of it were omitted in the delivery.

I am, with great respect, gentlemen,
your friend and fellow citizen,
John Quincy Adams.

ORATION.

Friends, Countrymen, and Fellow Citizens—

The celebrations of this anniversary have been so frequent and multiplied throughout the Union, for a period now largely stretching upon a second half century, that a speaker, far more competent to borrow for support in his flight the wings of imagination, than he who now addresses you, might well open his discourse, by entreating your indulgence, and deprecating your censure. Even the powers of speech, the special prerogative of man, as a member of the animal creation, are not unlimited. The discourse of reason, though looking before and after, is bounded in its vision by an horizon; and Eloquence herself perhaps best performs her appropriate office by silence upon exhausted topics.

The independence of the North American Union is, however, susceptible of being considered under a great variety of points of view. The contemplation of its causes must indeed ever remain the same; but that of its consequences varies from year to year. A speaker, on the first anniversary after the Declaration, in the midst of the terrific conflict to maintain it, and while its expediency, if not its justice, was yet pending upon the issues of war, had

a far different theme from him who now, after the lapse of nearly two generations of men, is called to review the progress of principles then proclaimed, as their influence has expanded upon the mind of civilized man. The test of all principle is time; and that which when first announced as truth, may be treated by the almost unanimous voice of mankind as pernicious paradox or hateful heresy, when scrutinized by long observation, and felt in practical results, may become an axiom of knowledge, or an article of uncontroverted faith. The astronomer, who in his nightly visitation of the heavens perceives a ray of light before unobserved, discovers no new phenomenon in nature. He is only the first to discern the beam which has glowed from the creation of the world. After-observation and the calculations of science, will disclose whether it proceeded from a star fixed in the firmament from the birth of time, from a planet revolving around the central luminary of our own system, or from a comet, "shaking from its horrid hair, pestilence and war."

The Declaration of Independence was a manifesto issued to the world, by the delegates of thirteen distinct, but UNITED colonies of Great Britain, in the name and behalf of their people. It was a united declaration. Their union preceded their independence; nor was their independence, nor has it ever since, been separable from their union. Their language is, "We the Representatives of the *United* States of America, in General Congress assembled, do, in the name and by the authority of the good PEOPLE of these Colonies, solemnly publish and declare that these *United Colonies*, are, and of right

ought to be, free and independent States." It was the act of one people. The Colonies are not named; their number is not designated; nor in the original Declaration, does it appear from which of the Colonies any one of the fifty-six Delegates by whom it was signed, had been deputed. They announced their constituents to the world as one people, and unitedly declared the Colonies to which they respectively belonged, united, free and independent states. The Declaration of Independence, therefore, was a proclamation to the world, not merely that the United Colonies had ceased to be dependencies of Great Britain, but that their people had bound themselves, before GOD, to a primitive social compact of union, freedom and independence.

The parties to this compact were the people of thirteen Colonies of Great Britain, located upon the continent of North America, occupying territories contiguous to each other, and holding a political existence founded upon charters derived from successive sovereigns of that island. These charters were of various import, nor was there any link of union, or even of connexion between them; but in all, the rights of British subjects had been solemnly secured to the settlers under them, and among the first of those rights, was that of freedom from arbitrary taxation. The first of the charters had been granted by James the First of England and Sixth of Scotland, the first British monarch of the House of Stuart. The most recent of them had emanated from George II., of the House of Hanover, a family, which, by a revolution in the maternal island, had supplant-

ed that of the Stuarts on the British throne. That revolution itself had been the result of a long and sanguinary conflict between the primary principles of human authority and of human freedom. In the preceding ages, England had been, for nearly one hundred years, the theatre of desolating civil wars upon a question in the theory of goverment, as insignificant to the people of the realm, as if it had been upon the merits of the badges respectively assumed by the parties to the strife.

If an historian or an orator should affirm, that one of the most spirited and intelligent nations upon earth had inflicted upon itself, for a term little short of a century, all the horrors and desolations of a civil war, to ascertain and settle which, of a White Rose or a Red Rose, breathes the sweetest fragrance--the assertion might not be literally, but it would be more than figuratively true. The question between the Houses of York and Lancaster, was, whether upon the death of a King of England, childless, the right to his crown devolved upon the son of a brother, previously deceased, but who had been next to himself by birth, or to his own surviving younger brother. This is a question which could not possibly arise under any government, other than a hereditary monarchy, and in which the people who were the victims of the controversy, had, abstracted from the respective personal qualities of the pretenders to the crown, no more interest than in the dissensions in the kingdom of Lilliput on the question whether an egg should be broken at the big or at the little end. But the civil wars of the British nation in the seventeenth century were of a very different character. The question then was,

not who had the right *to* the throne, but what were the rights *of* the throne; not, upon whose head the polished perturbation and golden care of the crown should descend, but what was the lawful extent of power in him who wore it; what the extent of obligation upon the people to yield obedience to him; what their right and duty to defend themselves against his encroachments; and what their just and lawful remedy against the abuses of his authority. It was the question between right and might, between liberty and power;—a question the most solemn and momentous of any that can be agitated among men;—a question upon the issues of which war becomes the most imperious of human obligations, and the field of battle the sublimest theatre of heroic martyrdom and patriotic achievement.

In the progress of this controversy, the British nation had been twice brought to the decision, that the individual at the head of their government, had, by his usurpations and oppressions, forfeited his right to the crown; and in the first of these instances, his life. In the exasperation of feelings, stimulated by a long and cruel civil war, they had tinged the scaffold with the blood of their king; and then, by one of those reactions of popular sensibility, which never fail to follow the violation of the laws of humanity, they had passed from one extreme to another, and worshipped as a saint and martyr him whom they had beheaded as a tyrant. Proceeding in the second instance with more caution, they had suffered the offender to escape, and then construed his flight for life, as a voluntary abdication of his power. This they declared he had done, *by breaking the ori-*

ginal contract between king and people. And thus, by the deliberate and solemn determination of the British nation, it had been settled, that the supreme powers of government, under their political constitution, were possessed and exercised by virtue of an original contract with the people.

The charters of the thirteen North American Colonies were also original contracts between the king and the people to whom they had been granted. It was a right exercised by most of the European monarchs in those ages, and also by the republican government of the Netherlands. By long usage and common consent it had become an acknowledged attribute of colonizing power; and in Great Britain was a royal prerogative in which the Parliament had no agency. The existence of the Colonies, therefore, was from the beginning *independent* of the authority of Parliament. Their contract was with the king.

In the reign of George III., when, by a succession of wars commenced after the final downfal of the House of Stuart, the British nation had become heavily burthened with debt, and consequently with taxation, an English Chancellor of the Exchequer conceived the ingenious idea of recommending himself to the people of his own island, by casting off a portion of their burdens upon the people of the Colonies; as the Knight of La Mancha was disposed to propitiate the lady of his affections, by scourging the back of his Squire: and as it had been well ascertained, since the days of John Hambden and ship-money, that the oyal authority, however competent to the grant of charters, did not extend to the arbitrary levy of money by taxation, the minister undertook to per-

form by act of Parliament, that which he did not dare to attempt by the mere authority of the king.

By their original constitution, the Colonies were independent of the Parliament. They were not represented in that body. They had no share in the election of the House of Commons. The levying of taxes upon them by Parliament was precisely the same usurpation, as the levying of ship-money had been in Charles I. It was the privilege of British subjects, that no part of their property could be taken from them but by an authority in which they were represented. To this principle the Colonies appealed in their first remonstrances and resistance against the Stamp Act. It was not the burden of tax to which they objected. It was to the inherent servitude of the principle.

Alarmed at the vehemence and unanimity with which the first attempt at arbitrary taxation was resisted in the Colonies, the ministers of George III. prevailed upon Parliament to repeal the tax, but at the same time to *declare* their right to make laws for the Colonies in all cases whatsoever.

This declaration of right, was a mere declaration of power. The judges of England had declared that Charles I. had the right to levy ship-money; and that declaration was neither more unjust nor more absurd than this. In either case the mere question whence the right was derived must be fatal to its assertion. In both cases the claim was founded upon an erroneous first principle of government, very far from being eradicated even at this day, in our own age, and our own country; a principle under which the pillars of our Union are tottering while

I speak, and which, if once permitted to prevail, will leave us a monumental ruin,

"To point a moral, or adorn a tale."

The British Parliament derived their claim of right to make laws for the Colonies in all cases whatsoever, from a principle of government which is stated by the great commentator upon the laws of England thus ;—"There is, and *must be*," says he, "in all forms of government, however they began, or by what right soever they subsist, a supreme, irresistible, absolute, uncontrolled authority, in which the *jura summi imperii* or the *rights of sovereignty*, reside." These are his words, which he further explains by saying, that by the *sovereign* power is meant the making of laws. And in treating of the power of Parliament, he adds ;—"This is the place where that absolute despotic power, which must in all governments reside *somewhere*, is entrusted by the constitution of the British kingdoms." These are again his words.

Behold, my fellow citizens, the cause of the North American Revolution! Look at that cold exanimate flint, which, clashing with the steel of your fathers' hearts, struck out the spark and kindled the flame which reduced to ashes the British dominion in these United States;—nor ceasing there, its burning brands have floated on the wings of the winds back to Europe, instinct with unextinguishable fire, and spreading at once light and conflagration throughout the regions inhabited by civilized man,—a false definition of the term *sovereignty;* an erroneous estimate of the extent of *sovereign* power!

It is not true that there *must* reside in all governments an absolute, uncontrolled, irresistible, and des-

potic power: nor is such power in any manner essential to sovereignty. The direct converse of the proposition is true. Uncontrollable power exists in no government upon earth. The sternest despotisms, in every region and every age of the world, are and have been under perpetual control; compelled, as Burke expresses it, to truckle and to huckster. Unlimited power belongs not to the nature of man; and rotten will be the foundation of every government leaning upon such a maxim for its support. Least of all can it be predicated of any government professing to be founded upon an original compact. The pretence of an absolute, irresistible, despotic power, existing in every government *somewhere*, is incompatible with the first principle of natural right. Take for example the right to life. The moment an infant is born, it has a right to the life which it has received from the Creator. Amiable and benevolent moralists have sometimes denied that this right can be forfeited to human laws, even by the commission of crime. Without concurring in that sentiment, we may safely affirm, that no human being, no combination of human beings, has the power, I say not the physical, but the moral power, to take a life not so forfeited, unless in self-defence or by the laws of war. No power in government exists to take it without a cause; none, surely none, in the British Parliament. Nor let me be told that governments have exercised and do exercise this power; that the ancient Romans and the modern Chinese hold it no wrong in the parent to expose his new-born child, and leave it to perish in its own helplessness.—Fathers! Mothers! is this the law of nature? Christians! is this the

law of your Redeemer? Americans! ask the Declaration of Independence, and that will tell you that its authors held for self-evident truth, that the right to life is the first of the unalienable rights of man, to *secure*, and not to destroy which, governments are instituted among men, and that the *sovereignty* which would arrogate to itself absolute, unlimited power, must appeal for its sanction to those illustrious expounders of human rights, Pharaoh of Egypt, and Herod the Great of Judea.

Yet upon this false position, and upon this alone, rested the claim of the British Parliament to tax the Colonies, and to make laws for them in all cases whatsoever. Take away this imaginary attribute of sovereignty, and the Stamp Act and the Tea Tax were no better than highway robbery. Take it away, and the British Parliament had no more right to tax the Colonies, than the Parliament of Paris, or the Sultan of Constantinople.

The power of Parliament to tax the Colonies, was denied in America, from the first appearance of the Stamp Act, with a vigor and energy, characteristic of a just claim of right. But the *independence* of the Colonies upon Great Britain, was neither pretended nor contemplated by the great body of the people. The relations between a parent state and her colonies, are founded upon the laws of nature and nations, modified by the civil constitution of the colonizing state. In the administration of human affairs, there is, in all countries, a reluctance at recurring to the first principles of government. Practical men are apt to entertain the opinion that they have little influence upon the conduct of nations,

and theoretic men are often wild and fanciful in their application of them. The first British colonies upon this continent were settled precisely at the time when the English nation were in the very fever of controversy preceding the civil wars. Those of New England were settled by the Puritans, a conscientious, intrepid and persecuted race of men, whom David Hume, the Atheist Jacobite, at once their reviler and their eulogist, acknowledges to have been the sole and exclusive founders of all the freedom of the British islands. This record is true, and oceans of calumny will never wash it out.

In their emigration from Europe, they had well considered the rights to which they would be entitled in the land of their new habitation, and the obligations by which they would be bound to the land of their nativity. They retained their affection for their country, and acknowledged their allegiance to the sovereign from whom they had received their charters. It was impossible, however, that the sentiment of local patriotism should be transmitted to their descendants, with the same intenseness with which they had felt it themselves; and the ties of allegiance to a sovereign beyond the seas, changing in rapid succession from a Stuart to a Commonwealth, from a Commonwealth back to a Stuart, then to a William of Orange, to the wife of a Prince of Denmark, and finally to a family and native of Germany, however strong as political ligaments, by the unchangeable laws of nature, could not have a very tenacious hold upon the heart. The Scottish poet, who has emblazoned *his* country with such a resplendent crown of glory, and has arrayed

in the gorgeous coloring of imagination this sentiment of patriotism, supposes it to burn only in the bosom of him who in colloquy with himself can exclaim,

"This is *my own*, my *native* land."

But to what land would this exclamation, so natural, so affecting, so pathetic, have applied upon the lips of Carver and Bradford, of Endicott and Winthrop? Their *native* land indeed was England: but *this* might more emphatically be termed their *own* land, for it had become their own by sacrifices, dangers, and toils. And what, five generations later, would have been the purport of the same impressive line,

"This is my own, my native land,"

upon the lips of your Quincy, and your Hancock, patriots, if ever the name existed in other than poetical imagery, one born in the metropolis within reach of your eyes, and the other within hearing distance of the voice, which now joys in recalling him to your memory, as your native townsman and his own.

The *dependence*, then, of the Colonies upon Great Britain, at the time when the British Parliament declared its own right to make laws for them in all cases whatsoever, and undertook to give effect to this declaration by taxation, was a dependence of parchments and of proclamations, unsanctioned by the laws of nature, disavowed by the dictates of reason. To this condition, however, the Colonies submitted as long as they were suffered to enjoy the rights of Englishmen. The attempt to tax them by a body in which they had and could have no representative, was in direct violation of those rights. The

acts of Parliament were encountered by remonstrance, deprecated by petition, and resisted by force. Ten years of controversy, and more than one of civil war, preceded the Declaration, "that these United Colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain, is, and ought to be totally dissolved."

The union of the Colonies had preceded this Declaration and even the commencement of the war. The Declaration was joint, that the United Colonies were free and independent states, but not that any one of them was a free and independent state, separate from the rest. In the Constitution of this Commonwealth it is declared, that the body politic is formed by a voluntary association of individuals; that it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws, for the common good. The body politic of the United States was formed by the voluntary association of the people of the United Colonies. The Declaration of Independence was a social compact, by which the whole people covenanted with each citizen of the United Colonies, and each citizen with the whole people, that the United Colonies were, and of right ought to be, free and independent states. To this compact, union was as vital as freedom or independence. From the hour of that Declaration, no one of the States whose people were parties to it, could, without violation of that primitive

compact, secede or separate from the rest. Each was pledged to all, and all were pledged to each by a concert of souls, without limitation of time, in the presence of Almighty God, and proclaimed to all mankind. The Colonies were not declared *sovereign* states. The term sovereign is not even to be found in the Declaration ; and far, very far was it from the contemplation of those who composed, or of those who adopted it, to constitute either the aggregate community, or any one of its members, with absolute, uncontrollable or despotic power. They are united, free and independent States. Each of these properties is equally essential to their existence. Without union the *covenant* contains no pledge of freedom or independence ; without freedom, none of independence or union ; without independence, none of union or freedom.

In the history of the world, this was the first example of a self-constituted nation proclaiming to the rest of mankind the principles upon which it was associated, and deriving those principles from the laws of nature. It has sometimes been objected to the paper, that it deals too much in abstractions. But this was its characteristic excellence ; for upon those abstractions hinged the justice of the cause. Without them, our revolution would have been but successful rebellion. Right, truth, justice, are all abstractions. The Divinity that stirs within the soul of man is abstraction. The Creator of the universe is a spirit, and all spiritual nature is abstraction. Happy would it be, could we answer with equal confidence another objection, not to the Declaration, but to the consistency of the people by whom it was

proclaimed! Thrice happy, could the appeal to the Supreme Judge of the World for rectitude of intention, and with firm reliance on the protection of Divine Providence for support, have been accompanied with an appeal equally bold to our own social institutions to illustrate the self-evident truths which we declared!

The Declaration of Independence was not a declaration of liberty newly acquired, nor was it a form of government. The people of the Colonies were already free, and their forms of government were various. They were all Colonies of a monarchy. The king of Great Britain was their common sovereign. Their internal administrations presented great varieties of form. The proprietary governments were hereditary monarchies in miniature. New York and Virginia were feudal aristocracies. Massachusetts Bay was an approximation to the complex government of the parent state. Connecticut and Rhode Island were little remote from democracies. But as in the course of our recent war with Great Britain, her gallant naval warriors made the discovery that the frigates of the United States were line of battle ships in disguise, so the ministers of George III., when they brought their king and country into collision with these transatlantic dependencies, soon found to their astonishment, that the United American Colonies were republics in disguise. The spirit of the people, throughout the Union, was republican; and the absurdity of a foreign and a royal head to societies of men thus constituted, had remained unperceived, only because until then that head had been seldom brought into action.

The Declaration of Independence announced the severance of the thirteen United Colonies from the rest of the British Empire, and the existence of their people from that day forth as an independent nation. The people of all the Colonies, speaking by their representatives, constituted themselves one moral person before the face of their fellow men. Frederic I., of Brandenburg, constituted himself king of Prussia, by putting a crown upon his own head. Napoleon Bonaparte invested his brows with the iron crown of Lombardy, and declared himself king of Italy. The Declaration of Independence was the crown with which the people of United America, rising in gigantic stature as one man, encircled their brows, and there it remains; there, so long as this globe shall be inhabited by human beings, may it remain, a crown of imperishable glory!

The Declaration of Independence asserted the rights, and acknowledged the obligations of an independent nation. It recognised the laws of nations, as they were observed and practised among Christian communities. It considered the state of nature between nations as a state of peace; and, as a necessary consequence, that the new confederacy was at peace with all other nations, Great Britain alone excepted. It made no change in the laws—none in the internal administration of any one of the confederates, other than such as necessarily followed from the dissolution of the connexion with Great Britain. It left all municipal legislation, all regulation of private individual rights and interests, to the people of each separate Colony; and each separate

Colony, thus transformed into a State of the Union, wrought for itself a constitution of government.

There remained to be formed a confederate government for the whole Union; and of this, an abortive experiment was made by the co-operation of Congress with the State Legislatures, without recurrence to the fountain of power, the people. This error proved well nigh fatal to the Union, and to the liberties of the whole. It palsied in a great degree the subsequent operations of the war; it prostrated the faith and energy of the nation in peace; it became a source of impotence in all the relations of the country with foreign powers; of mutual irritation, discord and anarchy at home. It disabled the nation from the performance of its engagements to others, and from the means of exacting the fulfilment of theirs in return. It degraded the country in the eyes of the world, and disgraced the glorious cause in which our national independence had been achieved. It embittered the hearts, and armed the hands of our citizens against one another, till our judicial tribunals were sullied with trials for treason, and our legislative records blackened with proclamations of rebellion.

In our own Commonwealth, the blood of her citizens was shed by each other, on the field of battle, and the scaffold thirsted for that of her children. Never, even during the gloomiest moments of the revolutionary war, had the condition of the country been so calamitous as in the years immediately succeeding the peace, in the very triumph of our cause, and in the full and undisputed enjoyment of our independence.

The primary cause of all these misfortunes and all these crimes, was the same mistaken estimate of

sovereignty which the British Parliament had made, when they undertook to levy money upon the Colonies by taxation. The separate States of the Union, using a term which appears to have been studiously avoided in the Declaration of Independence, declared themselves, not only free and independent, but *sovereign* States;—and then their lawyers, adopting the doctrine of Blackstone, the oracle of English law, inferred that *sovereign* must necessarily be uncontrollable, unlimited, despotic power. Assuming, like the eminent commentator, that in all governments this power must exist *somewhere*, and that it is inherent in the very definition of sovereignty, with about as much plausibility as he deposits it in the British Parliament, they made no hesitation to entrust it to the governments of the separate States.

It were an abuse of your time and patience, fellow citizens, to recall to your memory all the vagaries into which this political sophism of identity between *sovereign* and *despotic* power, has led, and continues to lead, some of the Statists of this our happy but disputatious Union. It seizes upon the brain of a heated politician sometimes in one State, sometimes in another, and its natural offspring is the doctrine of nullification;—that is, the *sovereign* power of any one State of the confederacy to nullify any act of the whole twenty-four States, which the *sovereign* State shall please to consider as unconstitutional;—an error sustained by reasoners too respectable to be treated with derision, and, apart from that consideration, too absurd to be encountered with serious argument. Even under our present Federal Constitution, it has been directly asserted, or imprudently counte-

nanced, at one time in Virginia and Kentucky, at another in Massachusetts and Connecticut, now in the temperate climate of Pennsylvania, and again in the warmer regions of the South. Fortunate has it been for our country, that the paroxysms of this fever have hitherto proved not extensively contagious! But we are admonished by one of the profoundest philosophers of modern ages,* not to measure the danger of discontentments in the body politic by this,—whether they be just or unjust; nor yet by this, whether the griefs whereupon they rise, be great or small—neither to be secure, because they have been often or long, without ensuing peril. Not every fume or vapor turns indeed to a storm, but from vapors and exhalations imperceptibly gathered, the tempest of desolation does come at last.

It was this hallucination of State sovereignty, identified with unlimited power, which blasted the Confederation from its birth. The delegates in Congress were representatives of the State Legislatures; for as such only they acted in the formation of the articles of confederation. The State Legislatures were representatives of the people of each separate State. Between these two representative bodies, primary and secondary, of the same parties, a Confederation was elaborated for the whole Union, memorable only for its impotence.

It was formed by many of the same pure and exalted patriots, who had pledged their lives, their fortunes, and their sacred honor, to the independence of their country. It was made with long, painful and

* Lord Bacon.

anxious deliberation, animated with the most ardent love of liberty, purified with perfect disinterestedness, and digested with consummate ability. It was a bloodless corpse! Fire from Heaven alone could have given it life; and that fire, unduly sought, brought with it Pandora and her box. In the establishment of the Confederation the people of the whole Union had no part. It was an alliance of States, intent above all things to preserve their *sovereignty* entire; averse above all things to confer power, because power might be abused; and also because they perceived that every grant of power to the confederate body could be made only by the relinquishment of their own. These, however, were errors, not of intention, nor even of judgment so much as of inexperience. The Union was a novelty. Self-government was an innovation. The idea of recurring to the people of the Union for a constitution, does not appear to have presented itself then to any mind. Yet the Declaration of Independence had been issued in the name and by the authority of the whole people. The total inefficiency of the Confederation to fulfil any of the good offices for which it was intended, reinspired the idea of recurring to the first source of all political power, the people.

Thus rose to birth the Constitution of the United States under which we yet live. It was formed by a Convention of Delegates, appointed by the Legislatures of the respective States, upon a recommendation of Congress, under a profound conviction of its own incompetency to administer the affairs of the Union, either at home or abroad. The work of the Convention, when completed, was by their President,

Washington, transmitted to Congress; and by them to the Legislatures of the several States. These, without undertaking to decide upon it themselves, referred it back to the people, by whom it was sanctioned through the medium of Conventions specially elected in every State, who, after long investigation, and severe scrutiny, accepted, adopted, and made it the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding.

In the formation of Constitutions for the several States, similar errors of inexperience were committed. The Constitutions were all republican, all popular—not monarchical—not military. An article amendatory to the Constitution of the United States, declares that the powers *not delegated* to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. There are powers, then, powers of government, reserved to the people, and which never have been delegated either to the United or to the separate States; nor do the United States, nor the separate States possess any powers, not delegated to them by the people—by the people of the whole Union to the United States—by the people of each separate State to that State. Hence it follows, too, that the people of each State were incompetent to delegate to the State, any power already delegated by the people of the whole Union to the United States. It was the people of the whole Union, who had declared the United Colonies free and independent States. But those States possessed no powers but

such as has been delegated to the Colonies by their charters, or as, after their becoming States, were delegated to them by the people. There was no such thing in their constitutions as an absolute, irresistible, despotic power, lurking *somewhere* under the cabalistic denomination of *sovereignty*. In some of the States, the people thought it unnecessary to form new Constitutions. They abided by the forms of government established by their charters. In one, the ordinary Legislature of the State modified their government without consulting the people;—an usurpation sanctioned by the acquiescence of the people, until a very recent day, but now rectified. Of those which did form Constitutions during the revolutionary war, every one, New Jersey perhaps excepted, has within the first half century found a revisal of its own necessary. New powers have from time to time been delegated by the people of each State to their government; powers previously delegated have been annulled: but in vain would you search all the Constitutions past or present of the States, for a power to nullify any act of the United States in Congress assembled. The people of no State were competent to grant such a power. The pretence to grant it would itself have been null and void—a violation of the Constitution of the United States; a violation of the Declaration of Independence.

The most momentous error committed in the formation of several of the first State Constitutions, was the establishment of the legislative power in a single assembly of the representatives of the people. In the true theory of republican government, *all* the public functionaries are representatives of the people,

proxies to perform the will, and give action to the power, of the community. To mere theorists in the construction of the social edifice, there is no idea so seducing as that of simplicity. Now the simplest of all forms of representative government would be, that all the officers of the State should at short intervals of time be chosen by majorities of the people; and that all the powers of government should be exercised by one elected body of men. This system was, however, never proposed by any one in the United States. The division of the offices of government into legislative, executive, and judicial, had been long established in the British Colonies, though not very effectively settled in their organization. At the time of the Declaration of Independence, Montesquieu was one of the most recent and esteemed writers upon government, and he had shown the division of powers to be essentially necessary to the preservation of liberty. Legislation, however, being merely the expression of the will of the community, is an operation so simple in its nature, that inexperienced reason cannot easily perceive the necessity of committing it to two bodies of men, each having a decisive check upon the action of the other. At the first formation of our State Constitutions it was made a question of transcendent importance, and divided the opinions of our most eminent men. All the arguments derived from the analogy between the movements of political bodies, and the operations of physical nature; all the impulses of political parsimony; all the prejudices against a second co-ordinate legislative assembly, stimulated by the exemplification of it in the British Parliament, were against a division of the legislative power. In

several of the States the force of these arguments was found irresistible. Pennsylvania was told, that a legislature in two branches was a wagon drawn by a horse before and a horse behind, in opposite directions; and she invested a single assembly with her legislative authority. Other States were actuated by the same image or by others equally plausible; and a European philosophical statesman, once reputed profound, expressed, in his private and confidential correspondence with another, his dissatisfaction that most of the American States had confided their legislation to two concurrent bodies, instead of depositing all their authority in one centre, and that centre the nation.

The experience of a very few years brought back all the members of the confederacy who had tried the experiment of the wagon with a single horse, to the team tackled with a pair; and, as it was not found necessary to tackle them in front and rear of the carriage, they have seldom manifested a disposition to draw in opposite directions, and never so obstinately as to arrest the progress of the car. When the Constitution of the United States came to be formed, the problem was sufficiently solved to settle opinions on this continent; and not a solitary voice was heard to propose that the legislative power of the Union should be vested in a single assembly.

This Constitution, rising from the ashes of the first experimental and imbecile Confederacy, has now been in successful operation upwards of forty years. It has undergone, since its first establishment, very few, and, comparatively speaking, unimportant alterations. It has passed through the ordeal of six successive ad-

ministrations; and is at this time in the hands of a seventh. It has stood the test of one formidable foreign war, and of two apparent changes of principle, effected by the conflict of parties, but resulting in no material change of the Constitution; and none in the administration itself, affecting in any perceptible degree the interest of the nation. It was originally the work of the party denominated Federal, in opposition to that party which adhered with the most tenacious inflexibility to the unlimited sovereignty of the separate States. The administration of the general government, however, has been alternately confided to individuals attached to the one and the other of those parties; and it is a circumstance which will not escape the observation of a philosophical historian, that the constructive powers of the national government have been stretched to their extremest tension by that party when in power, which has been most tenderly scrupulous of the State sovereignty, when uninvested with the authority of the Union themselves.

Of these inconsistencies our two great parties can have little to say in reproof of each other. The charge on either side can be much more easily retorted than repelled. Our collisions of principle have been little, very little more than conflicts for place; and in the mean time the nation has been advancing, with gigantic strides, in population, wealth and power. That this has been, under the blessing of Providence, the result of the *system*, no one can doubt who will compare the condition of the country under the Confederacy of State sovereignties, and under the Constitution ordained by the people of the United States. Yet no one of the administrations of the general gov-

ernment has ever given entire satisfaction to the whole people. Partial discontents have at different times been prevalent in different portions of the Union; and the degree of inflammation with which they have raged, has seldom been proportioned to the magnitude of their exciting causes. Washington's administration encountered an insurrection in arms. His immediate successor was upbraided for sparing the life of a convict for treason. Many attempts have been made to array separate, and even combined State sovereignties, against the government and laws of the Union; and even at this day, the people of twenty-three of our States might shudder at the imminent danger of a dissolution of the Union, but for the anticipation that the most ardent instigators to that catastrophe at this time, may, on recovery from the angry passions by which they are stimulated, erase from their own memories, and strive to expunge from those of others, the records of their delusion; wonder that they should ever have been suspected of disloyalty to the Union, for which even now they profess an affectionate regard; and, if their words and deeds should be too faithfully remembered by their country, recur to the acknowledgement of the poet, and exclaim,

"We angry lovers mean not half we say."

It is not to be expected that the present, or any future administration, will ever prove satisfactory at once to the whole people. A condition of relative comfort and happiness is all that the lot of mankind upon earth can attain; and if a denizen of the North American Union would form a candid estimate of the good and evil of his own destiny, let him com-

pare it with that of any other inhabitant of the globe; or, contracting the comparison to that of the civilized and christian portion of the earth, let him look abroad among the nations of Europe, and of their descendants in our own hemisphere,—the portions of mankind whose opinions and feelings and fortunes have been most deeply agitated and extensively influenced by the principles proclaimed in our Declaration of Independence,—and draw an impartial parallel between their condition and our own.

The first of the European nations, which followed us in the revolutionary career, was France. Her government was an absolute monarchy. The uncontrolled, irresistible, despotic power, which, Blackstone and the jurists of the English school insist, must in every government reside *somewhere*, was in France vested in the person of the king. There was indeed an obsolete record of a constitution; an assembly of the States General in three orders, nobles, clergy and commons or third estate, which wore the semblance of a representation of the people.

The very same year when the present government of the United States was first organized, this uncontrolled monarch was compelled to call an assembly of the States General, a body which had not been permitted to meet before for nearly two hundred years. And this body did then no sooner assemble, than, under the influence of the principles promulgated by our Declaration of Independence, the third estate, or popular representation, assumed the supreme power to themselves, constrained the two other orders of nobles and clergy to unite with them in a self-constituted National Assembly, abolished the

monarchy, and, under the name of a royal democracy, fabricated in the space of two years the first of a succession of constitutions, which now, at the end of forty years after that event, they are still making and mending with enthusiasm scarcely less ardent than when they first began. In the mean time they have been scourged with five and twenty years of civil and of foreign war; have inflicted on most of the other European nations, and suffered themselves, all the miseries and humiliations of conquest; have shed rivers of blood upon the scaffold; have ranged through all the extremes of popular anarchy and of military despotism; have beheaded, proscribed, recalled, reinstated, and expelled again the family of their ancient kings; and now acknowledge a collateral member of the same family as their hereditary sovereign. It is obvious that the career of revolution there is not yet closed. Throughout all these changes, the principles proclaimed in our Declaration of Independence, often overwhelmed by physical power, cowering under the sword of the soldier, withering under the imperial sceptre, laughed to scorn by the moral lectures of a foreign field marshal, and trampled in the dust by the heel of the Cossack, have never been effectively subdued. They have always re-emerged from the pressure to keep them down, as if destined, like the immortal soul of man, to survive the ruins of creation.

Fellow Citizens, I trespass upon the indulgence that I have invoked. Time fails me to pass in review the experiences of the other nations of the European continent, which, in the last half century, have been, and yet are, convulsed with the revolutionary spirit.

In comparing their history during this period with our own, there is one point of difference between them, on which our attention cannot be too intensely rivetted. Our Declaration of Independence, our Confederation, the Constitution of the United States, and all our State Constitutions, without a single exception, have been voluntary compacts, deriving all their authority from the free consent of the parties to them. It may be doubted whether a single constitution has been formed in Europe or in Southern America, without some violence, some admixture of conflicting physical force in its confection. In the early and significant age of the ancient mythology, the god of boundaries was the only deity never to be propitiated by sacrifices of blood. He, too, was the only god who refused to yield his place, even to Jupiter. Here is the land-mark, bloodless and immoveable, more unerring than the magnet from the pole, firm as the everlasting hills, between freedom and force. It is not in the proclamation of principles. Declarations of the rights of man, as full, as copious, as formal as our own, have decorated the constitutions of Europe. Those constitutions, after a short and fitful existence, have passed into the memory of things beyond the flood; leaving the principles behind—blood-stained and defaced—monuments only of their own mutilation. We have proclaimed the principles, we have adhered to the practice; and our history has been a record of internal peace and general prosperity almost uninterrupted. Let the contemplation of the past, be the instructive lesson of the future. And in this connexion let us

survey with calm, unblenching eye the newly revived doctrine of nullification; a word which contains within itself an absurdity, importing a pretended right of one State in this Union, by virtue of her *sovereignty*, to *make* that null and void, which it presupposes to be null and void before. The doctrine is not new, nor are those who now maintain it responsible for its introduction. It has been the vital disease of confederacies from the day when Philip of Macedon obtained a seat among the Amphyctions of Greece. It has never been, perhaps, involved in quite so much absurdity, as when appearing in its newest shape. It is now the claim for one State of this Union, by virtue of her sovereignty, not only to make, but to unmake the laws of the twenty-four, each equally sovereign with herself. This claim in its extent is most emphatically illustrated by its application to a revenue law. The Constitution of the United States declares that all duties, imposts, and excises shall be uniform throughout the United States. It forbids any preference to be given, by any regulation of commerce or revenue, to the ports of one State over those fo another. The claim for the sovereign State is to nullify these provisions of the Constitution, indissolubly connected with all the acts of Congress for raising revenue. The Constitution of the United States, in express terms, supersedes all State Constitutions and laws conflicting with it. The sovereign State claims by her laws to supersede the Constitution of the United States, and the laws of all the other States in the Union. As a member of the Union, this advances a claim of appeal from the whole to a twenty-fourth part. As a sovereign State,

a claim to make laws, not only for herself, but for others. Philosophically, politically, morally considered, it is an inversion of all human reasoning; it cannot be conceived without confusion of thought; it cannot be expressed without solecism of language, and terms of self-contradiction.

Its most hideous aspect is, not that its practical operation must issue in a severance of the Union, but that it substitutes physical force in the place of deliberate legislation. Stripped of the sophistical argumentation in which this doctrine has been habited, its naked nature is an effort to organize insurrection against the laws of the United States; to interpose the arm of State sovereignty between rebellion and the halter, and to rescue the traitor from the gibbet. The plan which it proposes, if pursued by merely individual association, would be levying war against the United States. It would not the less be levying war against the Union, if conducted under the auspices of State sovereignty; but as a State cannot be punished for treason, Nullification would case herself in the complete steel of sovereign power, as the heroes of ancient poetry were furnished with panoply from the armory of the gods.

You have seen, my fellow citizens, from the Declaration of Independence, that the States of this confederation were the offspring of the Union; that their sovereignty is not, and never was, a sovereignty as defined by Blackstone and the English lawyers, identical with unlimited power; that sovereignty, thus defined, is in direct contradiction to the Declaration of Independence, and incompatible with the nature of our institutions; that the States, united,

and the States, separate, are both sovereign, but creatures of the people, and possess none but delegated powers; that the power of nullifying an act of Congress, never has been delegated to any one State, or to any partial combination of States, and that any, and every attempt at such nullification, by one or more States, less than the number required, and otherwise than in the forms prescribed for amendment of the Constitution, would, however colored, and however varnished, be neither more nor less than treason, skulking under the shelter of despotism.

Nullification is the provocative to that brutal and foul contest of force, which has hitherto baffled all the efforts of the European, and Southern American nations, to introduce among them constitutional governments of liberty and order. It strips us of that peculiar and unimitated characteristic of all our legislation—free debate. It makes the bayonet the arbiter of law; it has no argument but the thunderbolt. It were senseless to imagine that twenty-three States of the Union would suffer their laws to be trampled upon by the despotic mandate of one. The act of nullification would itself be null and void. Force must be called in to execute the law of the Union. Force must be applied by the nullifying State to resist its execution—

> "Ate,'hot from Hell,
> "Cries, Havoc! and lets slip the dogs of war."

The blood of brethren is shed by each other. The citizen of the nullifying State is a traitor to his country, by obedience to the law of his State; a traitor to his State, by obedience to the law of his

country. The scaffold and the battle-field stream alternately with the blood of their victims. Let this agent but once intrude upon your deliberations, and Freedom will take her flight for heaven. The Declaration of Independence will become a philosophical dream, and uncontrolled, despotic sovereignties will trample with impunity, through a long career of after ages, at interminable or exterminating war with one another, upon the indefeasible and unalienable rights of man.

The event of a conflict in arms, between the Union and one of its members, whether terminating in victory or defeat, would be but an alternative of calamity to all. In the holy records of antiquity, we have two examples of a confederation ruptured by the severance of its members; one of which resulted, after three desperate battles, in the extermination of the seceding tribe. And the victorious people, instead of exulting in shouts of triumph, "came to the House of God, and abode there till even before God; and lifted up their voices, and wept sore, and said,—O Lord God of Israel, *why* is this come to pass in Israel, that there should be to-day one tribe lacking in Israel?" The other was a successful example of resistance against tyrannical taxation, and severed forever the confederacy, the fragments forming separate kingdoms; and from that day, their history presents an unbroken series of disastrous alliances, and exterminating wars—of assassinations, conspiracies, revolts, and rebellions, until both parts of the confederacy sunk in tributary servitude to the nations around them; till the countrymen of David and Solomon hung their harps upon the willows of Baby-

lon, and were totally lost amidst the multitudes of the Chaldean and Assyrian monarchies, "the most despised portion of their slaves."*

In these mournful memorials of their fate, we may behold the sure, too sure prognostication of our own, from the hour when force shall be substituted for deliberation in the settlement of our Constitutional questions. This is the deplorable alternative—the extirpation of the seceding member, or the never ceasing struggle of two rival confederacies, ultimately bending the neck of both under the yoke of foreign domination, or the despotic sovereignty of a conqueror at home. May Heaven avert the omen! The destinies, not only of our posterity, but of the human race, are at stake.

Let no such melancholy forebodings intrude upon the festivities of this anniversary. Serene skies and balmy breezes are not congenial to the climate of freedom. Progressive improvement in the condition of man is apparently the purpose of a superintending Providence. That purpose will not be disappointed. In no delusion of national vanity, but with a feeling of profound gratitude to the God of our Fathers, let us indulge the cheering hope and belief, that our country and her people have been selected as instruments for preparing and maturing much of the good yet in reserve for the welfare and happiness of the human race. Much good has already been effected by the solemn proclamation of our principles, much more by the illustration of our example. The tempest which threatens desolation, may be destined only to purify the atmosphere. It is not in tranquil ease and en-

* Tacitus and Gibbon.

joyment that the active energies of mankind are displayed. Toils and dangers are the trials of the soul. Doomed to the first by his sentence at the fall, man, by submission, converts them into pleasures. The last are since the fall the condition of his existence. To see them in advance, to guard against them by all the suggestions of prudence, to meet them with the composure of unyielding resistance, and to abide with firm resignation the final dispensation of Him who rules the ball,—these are the dictates of philosophy—these are the precepts of religion—these are the principles and consolations of patriotism;—these remain when all is lost—and of these is composed the spirit of independence—the spirit embodied in that beautiful personification of the poet, which may each of you, my countrymen, to the last hour of his life, apply to himself.

> "Thy spirit, *Independence*, let me share,
> Lord of the lion heart, and eagle eye!
> Thy steps I follow, with my bosom bare,
> Nor heed the storm that howls along the sky."*

In the course of nature, the voice which now addresses you, must soon cease to be heard upon earth. Life and all which it inherits, lose of their value as it draws towards its close. But for most of you, my friends and neighbors, long and many years of futurity are yet in store. May they be years of freedom—years of prosperity—years of happiness, ripening for immortality! But, were the breath which now gives utterance to my feelings, the last vital air I should draw, my expiring words to you and your children should be, INDEPENDENCE AND UNION FOREVER!

* Smollett.

NOTE.

The following version of the 149th Psalm was sung by the Choir, immediately before the delivery of the Oration.

1.

Sing to the Lord a song of praise;
Assemble, ye who love his name;
Let congregated millions raise
Triumphant Glory's loud acclaim.
From earth's remotest regions come;
Come greet your Maker and your King;
With harp, with timbrel, and with drum,
His praise let hill and valley sing.

2.

Your praise the Lord will not disdain,
The humble soul is his delight;
Saints, on your couches swell the strain,
Break the dull stillness of the night.
Rejoice in glory! Bid the storm,
Bid thunder's voice his praise expand;
And while your lips the chorus form,
Grasp for the fight his vengeful brand.

3.

Go forth in arms! Jehovah reigns;
Their graves let foul oppressors find;
Bind all their sceptred kings in chains;
Their peers with iron fetters bind.
Then to the Lord shall praise ascend;
Then all mankind, with one accord,
And Freedom's voice, till time shall end,
In pealing anthems—Praise the Lord.